IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 6746 of 2004(C)

PETITIONERS:

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1. **A.O.ROSY, W/O.LATE SRI.E.V.THOMAS, EDAKKALOTHUR HOUSE, KOLENGATTUKARA DESOM, P.O.CHOOLISSERY, THRISSUR TALUK AND DISTRICT, HEADMISTRESS V.U.P.S.CHOORAKKATTUKARA.**

2. **K.V.ROSILY, W/O.FRANCIS, MURINGATHERY HOUSE, ANDAPARAMBU DESOM, ANJOOR VILLAGE, THRISSUR TALUK AND DISTRICT HEADMISTRESS, G.L.P.S.ADATT.**

BY ADV. SRI.MATHEW JOHN (K), SRI.SUJESH MENON V.B.

RESPONDENTS:

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1. **THE PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

2. **THE ACCOUNTANT GENERAL OF KERALA, TRIVANDRUM.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, THRISSUR.**

4. **THE ASSISTANT EDUCATIONAL OFFICER, THRISSUR.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.6746/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE GOVERNMENT ORDER NO. G.O. (P). NO. 399 (178)/99/FIN. DTD. 05/02/1999.

EXT.P.2: COPY OF THE PROCEEDINGS ISSUED TO THE P.1.

EXT.P.3: COPY OF THE PROCEEDINGS ISSUED TO THE P.2.

EXT.P.4: COPY OF THE JUDGMENT IN W.P.(C). NO. 21915/2003 DTD. 10/07/2003.

EXT.P.5: COPY OF THE REPRESENTATION BY THE P.1. DTD. 26/10/2005.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.6746 of 2004

Dated 7th June, 2007.

J U D G M E N T

Petitioners are aggrieved since they are not granted the benefit of Government Order dated 5.2.1999 in the matter of option for pay revision. The issue is covered in favour of the petitioners, in view of Ext.P4 and other judgments, wherein this Court has taken the view that as on the date of exercise of option, the Government Order prevailing was 5.2.1999 and hence, the option exercised in terms of the said Government Order cannot be later directed to be varied or withdrawn. Hence the writ petition is allowed, directing the respondents to permit the reoption of the petitioners in terms of Ext.P1 order. Exts.P2 and P3 are quashed. The needful in this regard shall be done within three months from the date of production of a copy of the judgment.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 7th June, 2007.